

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|---------------------------------------|---|----------------------|
| IN RE: |) | |
| |) | |
| SOUTH BEACH SECURITIES, INC. |) | CASE NO. 07-6533 |
| |) | |
| Appellant |) | |
| |) | |
| vs. |) | |
| |) | |
| WILLIAM T. NEARY, U.S. TRUSTEE |) | JUDGE JOAN H. LEFKOW |
| |) | |
| Appellee |) | |
| |) | |

NOTICE OF MOTION

To: See Attached Service List

PLEASE TAKE NOTICE that on **Tuesday, December 18, 2007, at 9:30 a.m.**, I shall appear before the Honorable Joan H. Lefkow, Judge of the United States District Court, Northern District of Illinois, in Courtroom 1925, Dirksen Federal Courthouse, 219 South Dearborn Street, Chicago, Illinois, 60604, or before any other Judge who may be sitting in her place and shall present and request an immediate hearing on a **MOTION TO CLARIFY BRIEFING ORDER**, a copy of which is attached and served on you.

/s/ Cameron M. Gulden
Cameron M. Gulden, Attorney
OFFICE OF THE UNITED STATES TRUSTEE
227 W. Monroe Street, Suite 3350
Chicago, Illinois 60606
(312) 886-2614

CERTIFICATE OF SERVICE

I, Cameron M. Gulden, attorney, state that service of the **MOTION TO CLARIFY BRIEFING ORDER** on all parties identified as Registrants on the appended service list was accomplished through the Court's Electronic Notice for Registrants and, as to all other parties on the appended service list, I caused a copy to be sent via first class Mail to the addresses indicated before 5:00 p.m. on December 13, 2007.

/S/ Cameron M. Gulden
Cameron M. Gulden, Attorney
OFFICE OF THE UNITED STATES TRUSTEE
227 W. Monroe Street, Suite 3350
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(312) 886-2614

Parties Served Through the Court's Electronic Notice for Registrants

Scott R. Clar sclar@craneheyman.com
Louis D. Bernstein lbernstein@muchshelist.com
Colleen E. McManus cmcmanus@muchshelist.com
Gregory J. Jordan gjordan@polsinelli.com

Parties Served via First Class Mail

South Beach Securities, Inc.
Leon Greenblatt III
330 South Wells, Suite No. 718
Chicago, IL 60606

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| vs. |) | |
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| WILLIAM T. NEARY, U.S. TRUSTEE |) | JUDGE JOAN H. LEFKOW |
| |) | |
| Appellee |) | |
| |) | |

MOTION TO CLARIFY BRIEFING ORDER

1. On November 8, 2007, Scattered Corporation filed a Notice of Appeal from the Bankruptcy Court's Order Denying Confirmation of South Beach's Chapter 11 plan in Bankruptcy Case No. 05-16679. Also on November 8, Scattered filed a Motion for Leave to Appeal. This appeal was assigned 07-cv-6532.

2. On November 8, 2007, South Beach Securities, Inc. filed a Notice of Appeal from the same order.¹ Also on November 8, South Beach filed a Motion for Leave to Appeal. This appeal was assigned 07-cv-6533.

3. Appellee, the U.S. Trustee, did not file a response to the Motions for Leave to Appeal filed by South Beach or Scattered.

4. On November 14, 2007, Leon Greenblatt,² *pro se*, filed a Notice of Appeal from the

¹ South Beach attached its Motion for Leave to Appeal as an appendix to its Notice of Appeal.

² Mr. Greenblatt was the authorized agent of South Beach who testified at the confirmation hearing, and Mr. Greenblatt is also an officer and director of Scattered, South Beach's sole creditor.

same order. Also on November 14, Greenblatt filed a Motion for Leave to Appeal. This appeal was assigned 07-cv-6614.

5. The U.S. Trustee filed a Response to Greenblatt's Motion for Leave to Appeal under Fed. R. Bank. P. 8003(a) on November 30, 2007, which is docket entry #6 in Case No. 07-cv-6614.

6. Scattered then filed a Reply to the U.S. Trustee's Response on December 4, 2007, but filed it in Scattered's case, 07-cv-6532.

7. On December 3, 2007, this Court entered a briefing schedule in the above-captioned appeal (as well as the other two appeals), but has not yet ruled on the Motions for Leave to Appeal.

8. The U.S. Trustee thus respectfully requests clarification of the issues that the Court would like briefed: the issues raised by the pending Motions for Leave to Appeal, the underlying appeal itself, or both.

WHEREFORE, the U.S. Trustee respectfully requests entry of an order clarifying the briefing schedule entered on December 3, 2007, and any further relief the Court deems just and equitable.

DATED: December 13, 2007

RESPECTFULLY SUBMITTED:
WILLIAM T. NEARY
UNITED STATES TRUSTEE

/S/ Cameron M. Gulden
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